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Patent Application
Docket No. D-16699 (SP01-234)
WJT003-0006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Allison J. Tanner et al.)

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Group No. 1772

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Serial No.: 09/925,638)

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Examiner: Patricia L. Nordmeyer

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Filed: August 9, 2001)

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For: **MULTIWELL PLATE HAVING TRANSPARENT WELL BOTTOMS**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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on May 27, 2004

Signature

Dear Madame:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants thank the Examiner for her cooperation and professionalism during the prosecution of the above-captioned application. Applicants also thank the Examiner for issuing a Notice of Allowance, mailed on February 27, 2004, for the claims pending in this application. However, Applicants must respectfully disagree with the Examiner's use of the term "broadest independent claim" in the Statement of Reasons for Allowance which states:

"The prior art of record fails to teach or suggest the recited (sic) multiwell plate. The broadest independent claim identifies an upper plate made from a plasma treated polymeric material and a lower plate made from pyrolyzed glass that is joined to the upper plate with adhesive, where the plasma treatment creates reactive groups that interact with the silane monomer in the adhesive to strengthen the bond. The closest prior art of record, Shukla (USPN 6,458,275) in view of Thurn (USPN 4,076,550), disclose a multiwell made from separate plates held together by adhesive, which either singulary or in combination fail to anticipate or render obvious the above limitation." (emphasis added).

As stated in MPEP 1302.14, the Examiner must take care "to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." In this case the Examiner's use of the term "broadest independent claim" coupled with a description of that claim which included the limitation of pyrolyzed glass is not accurate since there is an allowed independent claim #36 that recites the use of glass and does not recite the use of pyrolyzed glass. For the foregoing reason, Applicants submit that the Examiner's Statement of Reasons for Allowance does not properly characterize the scope of the claims in the forthcoming patent.

Respectfully submitted,



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